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April 30, 2025

BY ECF

Honorable John G. Koeltl
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: *Diaz v. Avilés-Ramos et ano.*, 25-cv-1241-JGK

Dear Judge Koeltl:

This office represents Defendants Melissa Avilés-Ramos, in her official capacity as Chancellor of the New York City Department of Education, and the New York City Department of Education in the above-captioned matter. On April 17, 2025, the Court issued an order directing the parties to submit a Rule 26(f) report by May 1, 2025. ECF 10. I respectfully write jointly with opposing counsel to inform the Court that no discovery will be necessary in this matter and instead request a schedule to brief motions for summary judgment.

Parties also respectfully request the Court to waive Rule 56.1 statements because the inquiry here is not whether there are disputed issues of fact. While in IDEA actions "the parties and the court typically style the decision as a ruling on a motion for summary judgement, [] 'the procedure is in substance an appeal from an administrative determination, not a summary judgement motion.'" *Bd. Of Educ. v. C.S.*, 990 F.3d 156,165 (2d Cir. 2021) (quoting *M.H. v. N.Y.C. Dep't of Educ.*, 685 F.3d 217,226 (2d Cir. 2012)). Because the Parties' motions will be based solely on the administrative record, the parties jointly and respectfully request that the Court waive the submission of 56.1 statements.

The conference scheduled for 7/1/25 is canceled.
The schedule for summary judgment is approved. No pre-motion conference is needed.
So ordered.
5/1/25 JGK/Koeltl/U.S.D.-5

Respectfully, Parties also request the Court to cancel the telephonic initial pretrial conference scheduled for 2:30 p.m. on July 1, 2025, and in lieu of the Rule 26(f) report, propose the following briefing schedule for the Parties' anticipated summary judgment motions:

June 12, 2025: Plaintiff to file their motion for summary judgement

July 11, 2025: Defendants to file their opposition and cross-motion for summary judgement

August 8, 2025: Plaintiffs to file their reply and opposition to Defendants' cross-motion

August 22, 2025: Defendants to file their reply

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

/s/ Jaimini Vyas
Jaimini A. Vyas
Assistant Corporation Counsel

cc: Plaintiffs' counsel (via ECF)